



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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EXECUTIVE COMPLIANCE AGREEMENT

**DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES
FOR
PIEDMONT GERIATRIC HOSPITAL
Registration No. 30451**

This is an Executive Compliance Agreement (Agreement) between the Virginia Department of Behavioral Health and Development Services (DBHDS) and the Virginia Department of Environmental Quality (DEQ) pursuant to the Director's authority, as set forth in §§ 10.1-1185, -1192, -1309 and -1316 of the Code of Virginia (Va. Code), to administer and enforce the State Air Pollution Control Law and regulations.

DBHDS owns and operates Piedmont Geriatric Hospital (Facility) located at 5001 East Patrick Henry Highway, Burkeville, Virginia 23922. The Facility is located in Nottoway County, a county serviced by the Piedmont Regional Office (PRO) of DEQ. The Facility operates pursuant to a Minor New Source Review Permit issued June 27, 2013 (Permit).

DEQ staff conducted a complaint investigation on site on April 18, 2018. During the site visit, the inspector observed that the fuel loading process generated large amounts of visible dust and allowed a large amount of dust to become airborne throughout the loading process. DEQ staff observed dust piles on the roof of the main building and around the loading area. Based on the complaint investigation, DEQ issued a Warning Letter (WL) to Piedmont Geriatric Hospital on May 3, 2018.

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On May 23, 2018, the inspector conducted a partial compliance evaluation of the information provided in response to the WL. DEQ staff conducted an enforcement follow-up inspection (off-site) on August 23, 2018, and responded to another dust complaint with an onsite inspection at the Facility on December 13, 2018. The following describes the staff's factual observations in the December 13, 2018, Complaint Investigation Report:

1. **Observation:** Fly ash was leaking from the baghouse onto the ground.

Legal Requirements:

- Condition 2 of the June 27, 2013 Permit states, "Emission Controls - Particulate emissions from Boiler 1-B shall be controlled by a fabric filter. The fabric filter shall be provided with adequate access for inspection and shall be in operation when Boiler 1-B is firing biomass. (9VAC5-80-1180 and 9VAC5-50-260)"
2. **Observation:** Ash handling and conveying equipment were not maintained in a manner that would prevent materials from becoming airborne. Specifically: (1) Ash storage was not covered at the time of the site visit, (2) Fly ash was leaking from baghouse onto the ground, (3) Ash was observed becoming airborne from the conveyor exit at the storage container, (4) Several fly ash and bottom ash piles were observed outside of the designated storage area and exposed to the environment, and (5) Evidence of ash blowing offsite was observed in the snow.

Legal Requirements:

- Condition 5 of the June 27, 2013 Permit states, "Fugitive Dust and Fugitive Emission Controls - Fugitive dust and fugitive emission controls shall include the following, or equivalent, as approved by DEQ: a. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations. b. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered, or treated in an equally effective manner at all times when in motion. (9 VAC 5-50-90, 9 VAC 5- 80-1180, and 9 VAC 5-50-260)"

On December 21, 2018, based on the evaluations and follow-up information, the Department issued Notice of Violation No. APRO000905-002 to DBHDS for the violations listed above.

On January 24, 2019, DEQ met with DBHDS staff at the Facility to discuss the violations and a plan to return to compliance, as well as to observe measures recently taken to prevent fugitive dust during the loading and unloading of materials.

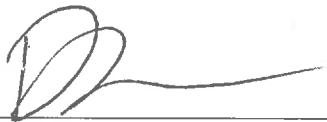
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On April 9, 2019, DEQ staff reviewed the First Quarter 2019 Fuel Certification Report submitted by the Facility. The Facility reported using 344,869 gallons of distillate oil during the most recent four calendar quarters. Condition 9 of the Permit limits the Facility to consuming 262,800 gallons of distillate oil annually. DEQ notified the Facility of this exceedance by a Request for Corrective Action dated April 30, 2019. DEQ verified that although there was an exceedance in fuel throughput, there were no emissions exceedances associated with the additional fuel consumed at the Facility due to the low sulfur content of the fuel.

Based on the April 18, August 23, December 13, 2018, and April 9, 2019 inspection reports, the Board finds that DBHDS was in violation of conditions 2, 5 and 9 of the Permit. On April 17, 2019, DEQ conducted a follow-up inspection while the facility was operational and verified that all deficiencies noted in the NOV had been corrected.

To remedy the additional matters, DBHDS and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. DBHDS agrees to be bound by any compliance dates in this Agreement that may predate its effective date.



Brandi French, LNHA
Chief Operating Officer
Piedmont Geriatric Hospital
Services

5/15/19
Date



James J. Golden, Regional Director
Department of Environmental Quality

22 May 19
Date

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DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

APPENDIX A

DBHDS agrees to:

1. By August 1, 2019, Submit a Form 7 application for permit modification to address fuel throughput exceedances based on First Quarter 2019 Fuel Certification.

[Note: The items in the Appendix are presented just as the items in the Schedule of Compliance of the Model Orders.]